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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

THE PEOPLE OF THE STATE OF CALIFORNIA, EX  
REL. ROB BONTA, ATTORNEY GENERAL OF  
CALIFORNIA,

Plaintiff,

vs.

3M COMPANY; AGC CHEMICALS AMERICAS,  
INC.; ARCHROMA, U.S., INC.; ARKEMA, INC.;  
BUCKEYE FIRE EQUIPMENT COMPANY;  
CARRIER GLOBAL CORPORATION; CHEMGUARD,  
INC.; THE CHEMOURS COMPANY; THE  
CHEMOURS COMPANY FC, LLC; CLARIANT  
CORPORATION; CORTEVA, INC.; DUPONT DE  
NEMOURS, INC.; DYNAX CORPORATION; E.I. DU  
PONT DE NEMOURS AND COMPANY; KIDDE-  
FENWAL, INC.; NATIONAL FOAM, INC.; TYCO  
FIRE PRODUCTS, L.P.; UTC FIRE & SECURITY  
AMERICAS CORPORATION, INC.; and DOES 1  
through 100, INCLUSIVE,

Defendants.

Case No. 4:22-cv-09001-HSG

**JOINT STIPULATION AND  
ORDER TO CONTINUE  
CASE MANAGEMENT  
CONFERENCE AND  
RELATED DEADLINES**

Hon. Haywood S. Gilliam, Jr.

Action Filed: November 10,  
2022 Trial Date: None Set

Pursuant to Civil Local Rule 6-2, Plaintiff People of the State of California (“Plaintiff”) and Defendants 3M Company (“3M”), Chemguard, Inc. (“Chemguard”), and Tyco Fire Products, L.P. (“Tyco”) (together with Plaintiff, the “Parties”) file this Joint Stipulation and [Proposed] Order to Continue Case Management Conference and Related Deadlines:

WHEREAS, Plaintiff filed the Complaint on November 10, 2022, in Alameda County Superior Court (Case No. 22CV021745);

WHEREAS, Defendants 3M, Chemguard, and Tyco removed this case from Alameda County Superior Court to this Court on December 20, 2022;

WHEREAS, Defendants filed a Notice of Potential Tag-Along Action with the Judicial Panel on Multidistrict Litigation (“JPML”), the JPML issued a conditional transfer order (“CTO”) conditionally transferring this action to the multidistrict litigation captioned *In re: Aqueous Film-Forming Foam Products Liability Litig.*, MDL No. 2873 (D.S.C.) (the “MDL”), Plaintiff filed a motion to vacate the CTO, the JPML is scheduled to take up Plaintiff’s motion to vacate the CTO at the JPML’s March 30, 2023 Hearing Session, and the JPML is expected to issue its final transfer decision approximately one week later;

WHEREAS, Plaintiff filed a Motion for Remand on December 30, 2022, briefing on the Motion For Remand is complete, and Plaintiff’s Motion For Remand has been noticed for hearing in this Court on May 4, 2023;

WHEREAS, attached to this Stipulation is the Declaration of Daniel D. Queen setting forth the reasons for the requested case management conference continuance, disclosing all previous time modifications, and describing the effect the requested time modification would have on the rest of the schedule in this case pursuant to N.D. Civil Local Rule 6-2;

WHEREAS, the Parties assert that good cause exists for these extensions, *see* Fed. R. Civ. P. 6(b)(1), as follows:

- a. The JPML is scheduled to take up Plaintiff’s motion to vacate the CTO at the JPML’s March 30, 2023 Hearing Session, and is expected to issue its final decision on whether to transfer this action to the MDL (“final transfer decision”) approximately one week later. Given that the case may be transferred to the MDL,

1 judicial resources will be conserved by allowing the JPML to render its decision  
2 before a case management conference is held.

3 b. The Parties previously stipulated that the deadlines for all Defendants to answer,  
4 move, or otherwise respond to the Complaint and the deadlines for the Parties to  
5 provide Rule 26 initial disclosures are stayed pending the final transfer decision.  
6 Accordingly, other deadlines in this matter, which would inform the case  
7 management conference and the related meet and confer and case management  
8 statement, are already stayed pending the final transfer decision.

9 c. Plaintiff's Motion For Remand has been noticed for hearing in this Court on May 4,  
10 2023.

11 d. No party will be prejudiced by continuing the case management conference and  
12 related deadlines.

13 WHEREAS, there have only been two previous time modifications in this case: (1) as  
14 described above, the Parties previously stipulated that the deadlines for all Defendants to answer,  
15 move, or otherwise respond to the Complaint and the deadlines for the Parties to provide Rule 26  
16 initial disclosures are stayed pending the final transfer decision; and (2) the Court granted the  
17 parties' joint request for an enlargement of time to complete the briefing on the motion for remand.

18 NOW THEREFORE, the Parties, through their undersigned counsel, hereby stipulate, agree  
19 and respectfully request that the Court enter an Order establishing the following:

20 1. The case management conference and all related deadlines, including deadlines related  
21 to the case management statement and alternative dispute resolution, are stayed pending the JPML's  
22 final transfer decision.

23 2. If the JPML transfers this case to the AFFF MDL, then the case management procedure  
24 shall be in accordance with the established rules and procedures in the AFFF MDL. If the JPML  
25 declines to transfer this action to the AFFF MDL, then the Parties shall have through and including  
26 the 28th day after such final transfer decision by the JPML to provide a proposed schedule for the  
27 case management conference and all related deadlines.  
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1                   **IT IS SO STIPULATED.**

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3           Dated: March 10, 2023

By: /s/ Daniel D. Queen  
Daniel D. Queen

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21                   Attorneys for Defendant 3M Company

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23           Dated: March 10, 2023

By: /s/ Ryan E. Cosgrove  
Ryan E. Cosgrove

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Attorney for Defendants  
Tyco Fire Products LP and Chemguard, Inc.

Dated: March 10, 2023

THE PEOPLE OF THE STATE OF CALIFORNIA

By: /s/ Nicholas G. Campins  
Nicholas G. Campins

Attorneys for Plaintiff The People of the State of  
California, ex rel. Rob Bonta, Attorney General of  
California

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: 3/10/2023

BY: Haywood S. Gilliam, Jr.  
HON. HAYWOOD S. GILLIAM, JR.